

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PRECISION REPLACEMENT PARTS  
CORP.,

Plaintiff,

v.

AUTO GLASS COMPONENTS, INC.,

Defendant.

Case No. C04-0566L

ORDER GRANTING  
MOTION TO CONTINUE

**I. INTRODUCTION**

This matter comes before the Court on a motion filed by defendant Auto Glass Components, Inc. ("AGC") to continue the trial date and related dates for 120 days while the parties pursue settlement negotiations. (Dkt. #147).

For the reasons set forth below, the Court grants the motion.

**II. DISCUSSION**

Several factors weigh in favor of a continuance. First, AGC's Manager and Rule 30(b)(6) designee, Fred Hendler, will be unavailable during the trial as currently scheduled because he is caring for his critically ill wife. Second, there are numerous, extensive motions pending in this

1 case which cannot realistically be resolved prior to the current April 3, 2006 trial date.<sup>1</sup>  
2 Furthermore, because each side has filed only a motion for *partial* summary judgment,  
3 resolution of those motions is unlikely to resolve the matter completely. Third, AGC alleges that  
4 PRP's failure to provide its required pretrial statement has hampered its ability to prepare for  
5 trial.

6 Fourth, and most importantly, the parties are engaged in settlement negotiations. The  
7 parties reached an agreement on September 9, 2005 and signed the settlement agreement on  
8 December 30, 2005. Although the parties had reached a final agreement, it was never  
9 consummated because AGC's sister company was unable to secure the necessary financing by  
10 the January 31, 2006 closing date. AGC has stated, however, that its sister company is  
11 aggressively pursuing financing and has achieved some success. Although the settlement  
12 agreement expired on February 1, 2006 and no extension has been granted, the parties continue  
13 to explore settlement options. PRP also states that it suffers prejudice on an on-going basis from  
14 the delays because AGC is continuing to use its parts numbers.<sup>2</sup> Although that concern is  
15 important, the Court finds that a 120-day delay will not be overly prejudicial to PRP, and that  
16 any prejudice is outweighed by the benefits of allowing the parties the time and opportunity to  
17 continue settlement negotiations. However, because PRP has a right to an expeditious resolution  
18 of this matter, it is unlikely that any further continuance will be granted unless agreed to by both  
19 parties.

### 20 III. CONCLUSION

21 For the foregoing reasons, the Court GRANTS AGC's motion to continue the trial date  
22 and related dates. (Dkt. #147). The trial date and all remaining deadlines in this case are  
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24 <sup>1</sup> The pending motions include two motions for partial summary judgment, three motions  
25 to compel discovery, four motions to exclude evidence, and five motions *in limine*.

26 <sup>2</sup> PRP also argues that AGC is restructuring its assets to avoid a judgment, but it has not  
27 offered any evidence to support that assertion.

1 continued for 120 days. The Clerk of the Court is directed to issue an amended order setting the  
2 trial date and related pending dates.

3 The parties are further ORDERED to file a joint status report regarding the status of the  
4 case and settlement negotiations by June 30, 2006. Finally, the Clerk of the Court is directed to  
5 renote the pending motions in this case (Dkt. ## 66, 72, 74, 78, 86, 94, 97, 109, 118, 135, 160,  
6 161, 162, 163, and 165) for July 7, 2006.

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8 DATED this 13th day of March, 2006.

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12 Robert S. Lasnik  
13 United States District Judge  
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